

Martin Schleske SERIAL NO: 09/935,975

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B.) Remarks

The provisional rejection of claims 6-15 under the judicially created doctrine of obvious-type double patenting as being unpatentable over claims 11-24 of now-allowed copending application No. 09/939,793 in view of Sawada, Janes, and Decker is respectively traversed. Although it is true, as the examiner asserts, that both sets of claims recite the use of a soundboard including a core plate and fibre coatings, it is not correct that claim 6 of this application recites the fibres as being multidirectional. The claims of the two applications include other recitations or limitations which are significantly and inventively different and which cannot properly be ignored.

Of the claims in the present application only claim 6 is independent. Claim 6 recites the soundboard as comprising a low density core plate having two opposite faces and a fibre laminate overlying and adhered at least to one of the faces. The fibre laminate is required to have elongate fibres embedded in a carrier, but as is pointed out above, there is nothing in claim 6 which requires the fibres to be multidirectional.

Of the claims in copending application Serial No. 09/935,973, claims 11, 21, 22, and 25 are independent claims. Claim 11 recites a soundboard comprising a core plate having two opposite faces and a plurality of single layer fibre coating sections adhered on at least one of the faces of the core plate. However, nothing in claim 11 requires the core plate to be formed of low density material.

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Claim 11 of the copending application also requires each of the fibre coating sections to be composed of elongate fibres embedded in a carrier, and the fibres of each of the coating sections are required to be so arranged as to be multidirectional. Again, however, nothing in claim 6 of the present application requires the fibres to be multidirectional.

In addition to the foregoing claim 6 of the present application requires the presence of at least one recess in the core plate and wholly within the confines of the latter. The claim also requires the total volume of all recesses in the core plate to amount to not more than about 80% of the total volume of such core plate. However, there is nothing in claim 11 which requires even a single recess, much less restricting the volume of all recesses to not more than 80% of the total volume of the core plate.

From the foregoing brief analyses of claim 6 of this application and claim 11 of the copending application, it is clear that there are significant and inventive distinctions between these two claims. Further, if both claim 6 and claim 11 are included in issued patents, the manufacture of a soundboard in accordance with claim 11 of the copending application would not infringe claim 6 of this application, and vice versa. The same observation holds true even if the disclosures of Sawada, Janes, and Decker are relied upon for modification of one or the other of the two sets of claims. The inapplicability of the combination of references to the claims of either application has been set forth at some length

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in applicant's prior responses to Official Letters. Such prior responses are incorporated herein by reference so as to avoid unnecessarily enlarging the record.

Independent claim 21 of the copending application recites a soundboard construction for use in an acoustic musical instrument of the kind having two soundboards. At least one of the soundboards is required to include core plates having two opposite faces and a plurality of fibre coating sections each of which has elongate fibres embedded in a carrier. The fibre coating sections are required by the claim to be adhered to one of the faces of the core plate and with gaps between at least some of the sections. Clearly, nothing in claim 6 of this application corresponds to the provision in claim 11 of two soundboards and the gapping between at least some of the fibre-carrying sections. Accordingly, there can be no double patenting between claim 6 of this application and claim 21 of the copending application.

Independent claim 22 of the copending application recites the soundboard as having a core plate sandwiched between and adhered to fibre coating sections. The fibres of at least some of the sections are required to be multidirectional and at least some of the fibre-carrying sections are required to be spaced by gaps. These characteristics of claim 22 have no counterparts in the claims of the present application. Accordingly, there can be no double patenting between claim 6 of the present application and claim 22 of the copending application.

Independent claim 25 of the copending application

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recites a core plate having two opposite faces and a plurality of single layer fibre coating sections in the form of strips adhered on at least one of the faces of the core plate. Each of the fibre coating sections is required to be composed of elongate fibres embedded in a carrier and the fibres of each of such coating sections are required to be so arranged as to be multidirectional. Again, nothing in claim 6 of the present application corresponds to these recitations. Accordingly, there can be no double patenting between claim 6 of the present application and claim 25 of the copending application.

In the event the examiner meant to refer to claim 12 of the present application with respect to the double patenting rejection, claim 12 does require the fibres embedded in the fibre laminate to extend in multiple directions. However, claim 12 is a dependent claim and depends on claim 6 which, as has been noted above, requires the presence of at least one recess wholly within the confines of the core plate. Claim 6 includes the further limitation as to the total volume of all recesses. Since neither of these limitations is included in any of claims 11-24 of the copending application and, since none of the prior art relied upon in support of the rejection either discloses or suggests such limitations (as is confirmed by the withdrawal of the rejections on prior art), it is respectfully submitted that claim 12 of this application is allowable. It is believed this application now is in condition for allowance. Further and favorable action is requested.

The Office is authorized to charge or refund any fee

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deficiency or excess to Deposit Account No. 50-2676.

Respectfully submitted,

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